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17 JUL 1986

File Ref.

Refer to *C.P.O. 17/7*

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DEPARTMENT OF THE ENVIRONMENT DISTRICT COUNCIL		Your reference	
Mr A R J Keen BA DipTP-ARICS MRTPI 16 Hamilton Court Chilston Road TUNBRIDGE WELLS Kent	Ack.	Our reference	
C.P.O.	J.C.	Admin.	File
			T/APP/A1910/A/86/45372/P6
			Date
Received	17 JUL 86	15 JUL 86	
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY R B BARRINGTON
APPLICATION NO:- 4/0901/85

1) MRB
2) JCB
3) FORNIE
4) TEAM 2

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the extension to Nos 22 and 23 Ringshall, Nr Berkhamsted, Herts, and the change of use from one to 2 dwellings at the same address. I have considered the written representations made by you and by the council and also those made by the Little Gaddesden Parish Council and interested persons. I inspected the site on Monday 19 May 1986.
- The appeal property is a single dwelling, converted some time ago from 2 small cottages, at the northern end of a terrace of 6 similar properties. The group is part of a line of other dwellings on either side with garages/outbuildings behind them and served from a narrow access road off B4506. The access meets a 150 m long rear service lane on which there are some car ports and parking bays to serve the separate houses. Some larger and newer looking houses are located on bigger plots on the western side of this lane towards its southern end. The whole of this development forms a rectangular block in the corner of B4506 and Beacon Road on the north. While there is a frontage of some 350 m of cottages and houses spaced out and adjacent to Beacon Road on its northern side, the land to the south, west and north is wooded or in agricultural use. The eastern side of B4506 has a scatter of very large houses and a golf course set among its wooded frontage.
- The fact that the appeal site falls in the open countryside beyond the green belt, in the Chilterns Area of Outstanding Natural Beauty and within the Ringshall Conservation Area makes it subject to all the restrictive policies set out in the Structure and Local Plans which the Council have cited. Your view is that the proposal is not contrary to these policies in several respects. In my opinion the issues against which the scheme has to be judged are first its effect on the scale of development in the settlement; and secondly on the setting and character of the terrace, bearing in mind that it is within a Conservation Area.
- I agree that it would not mean an intrusion of new development into the countryside nor would it extend the existing limits of the settlement. It would, however, represent a net increase in the stock of dwellings in Ringshall, and clearly this would be contrary to policy which allows such increases only in named villages. While there have been the 2 permissions in the near vicinity allowed in 1980 and, on appeal, in 1984 they succeeded as exceptional circumstances existed. Your client's desire to provide accommodation for his and his wife's parents, though understandable, does not rank as a case which can claim support from the needs of a rural area.

None of the people for whom the appellant intends to provide the accommodation have any claim to support the local community as was the case in the 1984 appeal decision adjacent to Beechwood.

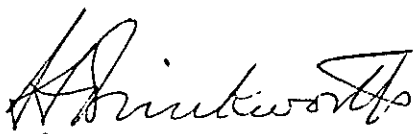
5. Nevertheless I appreciate the similarity in the circumstances of the proposed development here and that at No 28 Ringshall. Both involve one additional dwelling for ageing people. Although the Local Plan was not adopted when that application was allowed I do not consider that the reversion of one dwelling to two as it was originally, though resulting in an overall larger floor area, would undermine the Plan's policies to any significant extent. In that respect I consider the circumstances in this case to be unusual. They would not, therefore, establish a precedent for overturning the policy not to permit the growth of unnamed settlements like Ringshall, which has been formulated through the proper planning process. The fitness of the Council's policies, which I support, is clearly recognised in the other appeal decisions which they have quoted, but each case must be decided on its merits. This proposal would not, in my opinion, upset the scale of development in the settlement.

6. On the second issue I regard the character and setting of the terrace to have established the style and pattern of this part of the settlement. While the addition of the extension at the rear would increase the floor area by some 80%, and hence increase the general bulk of the building proportionately, this size and bulk would not be so great as to be objectionable in itself. Another of the dwellings to the south already extends back as far as the proposed development and does not appear out of place.

7. However, I consider the height of the proposed roof ridge above the level of the existing roof at the appeal site to be aesthetically unacceptable in relation to the north-eastern elevation, especially in view of the Conservation Area location, of the terrace. The fact that the proposed roof would be the same height as the roof at No 24 and be behind the chimney would not overcome or justify this unsatisfactory relationship. I appreciate that the existing layout and form of the dwelling is in need of some adaptation and modernisation. Another design which achieved this without extruding above the ridge line might be acceptable but I am not prepared to allow this proposal. I have considered all the other matters raised but they do not lead me to a different conclusion.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



H BRINKWORTH BA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Ross Bryan Barrington
20 Ringshall
Nr Berkhamsted

Change of use to two dwellings and two storey and
single storey rear extensions and porch
at 22-23 Ringshall, Berkhamsted

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 11th July 1985 and received with sufficient particulars on 12th July 1985 (Amended 27.8.85) and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

- (1) The site is within the Chilterns Area of Outstanding Natural Beauty on the Dacorum District Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
- (2) The proposal would have a seriously detrimental affect on the character of the property itself and the overall street picture in a designated Conservation Area.

Dated 5th day of September 1985

Signed



SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.